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## CRIMINAL JUSTICE HOW TO ACHIEVE IT

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OUR FAILURE OF CRIMINAL JUSTICE  
IS A NATIONAL DISGRACE

OUR JUDICIAL MACHINERY IS  
WORKING BLINDLY

NO UNIFIED RESPONSIBILITY FOR  
GETTING RESULTS

SIMPLE RECONSTRUCTION IS NOW  
DEMANDED

RECENT EXPERIENCE DEMONSTRATES  
A RIGHT WAY

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*The  
American Judicature Society*

To Promote the Efficient  
Administration of Justice

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THE American Judicature Society exists because of the conviction of its members that earnest and intensive effort will avail to make the administration of justice in American courts more effective and more economical. ¶ Its work is educational. ¶ The Society co-operates with all other agencies active in the field. ¶ It invites the membership of all persons who are interested in the problem. ¶ There are no fees. ¶ To become a member and receive the Journal, send in your name.

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HERBERT HARLEY, Secretary  
31 W. Lake St., Chicago, Ill.

# Criminal Justice

## How to Achieve It

*By Herbert Harley*

Secretary of the American Judicature Society

If there is anything which we, as American citizens, should be ashamed of, it is our failure to administer criminal law efficiently.

There is no other important nation in which life and property are so unsafe from criminal depredations as in the United States.

It would be fair to measure civilization, not by luxuries, or by wealth, or by military power, but by relative success in enforcing law and protecting innocent persons.

Our murder rate exceeds that of any other nation.<sup>1</sup> In robbery, burglary and other crimes we are at the bottom of the list of civilized peoples. With us criminal justice is practically always slow and frequently uncertain. Its steps are circuitous. It is usually a long and tedious job, as well as an odious one, to prosecute a

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1. See *American Police Systems*, by Raymond Fordick.

dangerous criminal, and the attempt often ends in failure.<sup>2</sup>

Exact comparison with other countries is not possible because we have no standardized criminal statistics. But it is certain that results are bad. It is our immediate duty to find out where our mistakes lie and correct them.

### Why Are We Lawless?

Many causes are assigned for our great national defect. It is said that Americans are lawless because they have the most democratic government in the world. This easy explanation will not hold water. Switzerland, Canada and Norway have governments as free and democratic as ours, and they excel in law enforcement.

It is said that our bad conditions are due to the fact that ours is a new country. That excuse might have appeared sound a generation ago in the frontier states. But today conditions are worse in some of the oldest states than in the newer.

It is said that our failure is due to mixed populations. But this cannot explain very far. In Detroit, for instance, more than half of the people are foreign born or the children of foreign born. In the past few years over 200,000 people of

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2. See *The Prisoner at the Bar*, p. 102, by Arthur Train.

Slavic descent poured into this center. Because of its rapid growth and inefficient machinery of justice Detroit was on the way to becoming the most lawless place in the world. But a change of system effected in 1920 completely reversed the situation. Today Detroit is probably ahead of all other American cities in crime prevention, and is still improving. The immigrant and his children evidently were not a large factor in the situation.

It is said that modern conditions of living cause crimes to multiply; that the railroads, the telephone, the telegraph and the automobile account largely for the prevalence of crime. But other countries have these conditions also.

It is said that crime flourishes because we do not punish with sufficient severity. But history shows that much greater severity of punishment was not very successful in preventing crime, and we know that a considerable share of the worst crimes are committed by persons who spend most of their time in prison.

It is said that crime is increasing because of the increase in our times of persons of low, or positively defective mentality; that the better stocks do not multiply as rapidly as the inferior; that race suicide due to fewer births in the families of the more capable and respon-

sible elements of society is making itself felt in the increase of crime and criminals. This explanation deserves consideration.

It is said finally that the cause lies mainly in the imperfect co-ordination of our courts, so that responsibility is diffused, statistics are unobtainable, and, to be precise, there is no authority with the power and the responsibility to see that all the varied agencies of justice work together in an effective manner.

### **A Difficult and Complex Problem**

Consider the inherent difficulty of repressing crime. Human nature at the best is far from perfect. Nobody is without temptation. Every year comes a new wave of youth with strong appetites and desires and no experience in curbing them. Most of them will pass through the ordeals of adolescence unscathed, some will slip and then recover themselves, and a few will persist regardless of the ruin that impends.

Consider, also, that it is no easy matter to cope with crime. There are numerous agencies of the law, all of which must act together intelligently and faithfully if crime is to be repressed.

1. The guilty person must be caught and held until trial.
2. There must be an efficient prose-



cutor, competent in learning and training to cope with expert lawyers often employed by criminals.

3. There must be judges of experience and a sense of social responsibility, fearless in the discharge of their duties, come what may. Sometimes courage is required to mete out punishment, and just as often courage is required to extend leniency where it appears expedient.

4. There must be means for getting good citizens to serve on juries.

5. There must be simple and effective judicial procedure, protecting the innocent as well as the accused.

6. There must be appellate court judges with plain horse sense as well as a knowledge of the niceties of judicial precedent.

7. There must be adequate prisons and reformatories for various kinds of criminals and both sexes.

8. There must be efficient administration of probation and parole laws, where they exist.

9. There must be a wise exercise of the pardon power.

The administration of justice will be defective wherever the system is weak in any of these factors. The chain is no stronger than its weakest link. Often a

foozle in one step means a complete failure of justice.

### **What We Must Do**

In view of these facts how is our failure to be explained? Mainly it is due to the fact that our highly complex system is a mere hang-over from pioneer conditions of life. In most respects it dates back a whole century.

Our failure is assuredly not due to the fact that we are essentially different from other peoples of the same race, or inferior in capacity for government or the enforcement of law. We have inherited a complex machinery which, in the face of modern conditions, has become all but unworkable. We do not need to alter the system radically, or invent a new one, but we do need to co-ordinate the agencies involved and make it somebody's express business to see that results are obtained. *Certain improvements can be made which will in a comparatively short time reduce our major crimes to less than half, prevent many deplorable homicides, save a great many young persons from ruin, and prevent enormous economic losses.*

### **Efforts to Reform Offenders**

To endeavor to point out a clear course for reform in the face of a great deal of conflicting opinion is the purpose of this article.



One remarkable fact is that notwithstanding our archaic criminal law machinery, or perhaps because of it, we have gone further than any other nation in certain developments of penology. We have shown a great ambition to solve the problems of crime. Beginning with the problem of the prison, which loomed largest a century ago, we have developed the institutional side amazingly.

It was observed then, as now, that most offenders became harmless after the first serious offense. A philosophy of punishment was developed. This philosophy held that the sole purpose of punishment was to effect a reform of the individual, rather than to express the public's fear or hatred. So, by successive steps, we adapted prisons to reformatory treatment. First offenders were sentenced to workhouses which were called reformatories or houses of correction, to remove the stigma of the prison. Then institutions for young offenders were established to be as much like schools, and as little like prisons, as possible.

Then, observing the fact that many first offenders are easily turned back into straight living, especially if not handicapped by prison records, we devised the probation system. And to give those serving long terms another chance when a cure appeared to have been effected, we

produced the parole system. Probation and parole appear to be founded on sound principles. Success depends upon the care taken in administration. In many places insufficient forces are maintained to make the best use of probation and parole. But these laws appear, on the whole, to be necessary parts of a complete penal system.

The uncertainty concerning the matter of reform in the individual case led also to the enactment quite generally of the indeterminate sentence law, so that the keepers of institutions, after a fixed time, release prisoners whose conduct justifies hope for reform. It was felt that the custodian could better determine the period required for reformation than could the judge on the bench.

But with all this development of the practical philosophy which substituted the idea of reform for the idea of revenge there has been a measure of failure. The theory that every criminal can be reformed is found to be untrue.

The criminal career is usually first noted in the juvenile court. It is only after the threats and the influence of this court have failed that the offender is sent to an institution. Often this institution is an admirable one, graduating most of its inmates to lives of usefulness. But

always there are some others who commit offenses as soon as they are released. For them, if not yet too old, there is a commitment to a reform school of a harsher type. From this "school" a smaller proportion of graduates succeed, and a larger proportion again come into conflict with the law.

Of this latter class the third commitment is likely to be to a house of correction. Society and the law still have hope of reform and the sentence is made short with this object. The treatment is fairly rigorous to make the offender realize that crime is unprofitable. Some habitual criminals continue to get into scrapes and serve short terms off and on in the work houses, never committing any crime grave enough to warrant a long term in a penitentiary.

But of those who do commit the serious crimes, a large proportion come from the ranks of those who have committed lesser ones. So we observe that with all this screening, all these chances for redemption, there yet remain a few who pursue criminal lives whenever released. A considerable part of our serious crime comes from these repeaters, or recidivists, as they are known to penologists. In fact the repeaters have come to constitute in large part the whole problem of penology. They

represent the unreclaimable residue. They defy the efforts of our elaborate penal system.

Perhaps we can state the entire problem under the following three heads:

I. We do not secure conviction and punishment<sup>3</sup> in a good many instances when there is undoubted guilt. This is due to the defects in the machinery of justice or in its operation. One consequence is that criminals who should be serving terms are at large, some of them making a business of crime. That accounts for one class of preventable crimes.

II. The failure to make conviction of the guilty prompt and sure means that our system lacks the deterrent effect upon which reliance must be placed for the restraint of many individuals who are lacking in moral qualities but who have sufficient intelligence to keep straight if they are convinced that punishment will surely be visited upon them. This accounts for another class of preventable crimes. The comparative absence of these first two classes in other English-speaking countries accounts largely for our relatively low standing.

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3. The word punishment is now pretty well purged of its old meaning of vengeance. In its new meaning it includes all forms of restraint, and they are understood to be forms of treatment looking to ultimate reform. The word is here used to imply restraint as a treatment intended to effect reform.

III. The third preventable class comprises the offenses committed by the repeaters, or habitual criminals. Many of the most shocking crimes are attributable to persons who have failed to be reformed or deterred by former convictions and sentences. The criminals in this class stand lowest in mental and moral qualities.

Let us take these three titles in order, and then conclude this brief study with a statement of what needs to be done and what has been done that gives promise of relief.

## TITLE I

### DEFECTS IN THE MACHINERY OF JUSTICE

We have said that our system was largely created a century or more ago. Parts of it date back several centuries. Some of the oldest features are still entirely serviceable. In fact, in the formative stage of American institutions the whole system was fairly efficient, for it was created to meet the conditions which prevailed when there were no really large cities, few small cities, and judicial and administrative authority was in the hands of a few conspicuous officials.

But everything that has occurred to produce modern conditions in place of the primitive conditions of our great-grand-

fathers, has made for complexity of structure and has multiplied the agencies and the officials required to operate the machine. Speaking broadly these numerous officials are reasonably competent and are trying to get results.

But it would be just as sensible—or just as foolish—to try to run a big department store or a railroad without responsible management, and expect real efficiency, as to look for it in the machinery of justice as at present constituted in the typical state. Good personnel and good intentions are not enough. There must be a guiding hand if all these various and independent agencies are to co-operate intelligently.

This has led to the proposal for a “chief judicial superintendent,” or a ministry of justice, or a judicial council. These are not conflicting proposals but all aim substantially at the same thing, to bring about a conscious and responsible direction and management.

One of the first things that any manager or managing board would require would be the recording and publication of complete statistics. At the present time we are practically without statistics and there is no means for co-ordinating the few and unsystematic figures kept by the police, the jailors, the magistrates’ courts, the criminal courts, the prosecutors, and



the managers of the reform schools, work houses and prisons.

In the lack of adequate statistics we are generations behind other civilized nations.

Nothing better illustrates the helplessness of our judicial machinery than this defect, for any properly organized judiciary would take steps to supply this need if only to defend itself against random charges.

The first step in solving a problem is to ascertain precisely what that problem is. This can never be done until a standard system of recording is provided.

Without statistical records our system has no memory. It does not know what it has done heretofore, or the consequences of its actions, or what it should do in the future. As well expect a navigator who has been deprived of his log-book and instruments in mid-ocean to find port safely as to look for success under existing conditions, in the supremely difficult work of suppressing crime.

We do not know at present what crimes are most common throughout the state, subject to the administration of innumerable local officers; we do not know what classes of people contribute to various kinds of crime; we do not know what various judges do with respect to sentencing; we do not know what the results of

various kinds of treatment and administration are. We are groping in the dark. It is no wonder that there is a lot of experimental legislation and a great deal of argument and dissension as to the right thing to do.

The two great needs just presented go hand in hand. There must be some central authority to effect efficient co-operation among the hundreds of different local authorities, and there must be statistical knowledge of every phase of the entire situation.

The great present need of our courts, both civil and criminal, is to unify them in a single state judicial system, or unified court. This unification is to be effected by providing a chief justice as the principal executive head of the entire system. For various departments representing the appellate and trial branches presiding justices are needed, to be selected from the sitting judges. These presiding judges with the chief justice will naturally compose the judicial council, or executive board.

The judicial council should have a large measure of authority to make and amend rules of procedure and should have complete administrative authority. The exercise of this authority would mean assigning judges who are not busy to assist

judges whose dockets are overloaded; and the assigning of judges to the particular classes of cases for which their individual talents and training fit them. This would result in increased capacity of work of a higher average quality.

A judicial system so constituted would necessarily depend very much on reports from all the judges and justices of the state. It would soon have all the data bearing upon its administrative problems. It would determine administrative policies and observe results. It would keep the public informed through reports made annually or more often. It would call the judges of departments and divisions to meet at appropriate times to discuss the problems confronting the courts and the best means for solving them. It would weld the entire big body of localized and separated officials into a unit machine for getting results.

It is easy to see what this would mean in the practical work of crime suppression.

Such a central administrative body would have power to do work which is imperative but which cannot be done under the existing system in practically every state. It would improve methods and standardize justice throughout the state, taking advantage of every helpful discovery of better methods.

Such disgraces to our states as criminal trials in which it takes weeks to make up a jury would be impossible, because a sentiment for efficiency would be created which would stimulate sitting judges to exercise the inherent power of the courts to limit random questioning. In Ontario, where the people and the law are substantially the same as in one of our Northern States, it never takes more than half an hour to select a jury in a murder trial. We would accomplish something if we could always select juries in ten half-hours.

Under such a simple system we could soon correct the obviously dangerous and vicious system which permits, or requires, delays of weeks and months in reaching trial in cities where judges are always sitting, but are behind with their work. There are enough judges in every state to keep the work up to date if there were means for utilizing them in an intelligent way. **DELAY MEANS PERVERTED JUSTICE.** Wherever there is delay there is a curable defect. Merely adding more judges who are not able to co-operate under intelligent leadership often fails to correct delay.

And delay begets delay. Our courts are put to a lot of unnecessary and time-consuming labor because they have got be-

hind. Delay works with the deadly certainty of compound interest.

There is one factor in delay which the judicial council could not entirely cure. About half the states still require action by a grand jury before a person accused of a serious offense can be placed on trial. Very commonly in such states arrests are on warrants issued by a magistrate. Then comes a preliminary examination to ascertain if there is probable cause for holding the accused to the criminal court. If so held there must be still another appearance by the prosecutor and the state's witnesses to convince the grand jury. Then finally the case is merely ready for trial.

Every step which increases the difficulty of prosecution works to the advantage of the criminal. Every delay makes it easier to buy off, or scare off, the state's witnesses. Every delay removes the case further from public attention and public opinion. In its excitement over fresh crimes the public unavoidably forgets the old ones, still dragging their way through the courts.

The states which have done away with the grand jury action, or made it optional with the prosecutor, have proved that in more than ninety-nine per cent of all felony cases the grand jury cannot possibly do any good, but may always do harm.

To correct the grand jury evil in the remaining states is likely to call for constitutional amendment, which is admittedly difficult. All the more reason, though, for providing speedily a directing head to the big machine so that the slack may be taken up wherever possible.

### **Abolish City Police Courts**

The greatest scandals of criminal justice are usually found in the large cities, and usually in the police courts, or other inferior tribunals of this nature. These evils, with attendant delays, and a great deal of roughshod methods, can be eliminated by doing away with such inferior courts entirely. This may sound revolutionary, but the story of Detroit's recent reform explains it fully, and we will get to that story soon.

It has been suggested that the imperative and important duties ascribed to the judicial council do not necessarily require the powers which have been discussed. It is said that the power to require uniform reporting of data, coupled with mere advisory power, would suffice. This doubtless, is in the main, true. A mere advisory council, in possession of all the facts, could accomplish nearly, or quite, as much by requesting judges to assist where needed and to standardize their methods along approved lines. In fact we have



some experience in the equalizing of the work of trial judges in Wisconsin through a chief judge selected by the Circuit Court judges which justifies the belief that a great deal can be accomplished through mere advisory power.<sup>4</sup> It may be that an extension of this principle to reach all the officials involved in the trial of all kinds of offenses throughout a state will lead the way to a great success.

## TITLE II

### DETERRING THE COMMISSION OF CRIMES

There is a good deal of dispute as to the deterrent effect of punishment. It should be observed first that to deter crime on the part of moral weaklings implies promptness and certainty of punishment. Without such promptness and certainty—and we find it hard to locate promptness and certainty anywhere in our country—there is, instead of deterrence, a virtual invitation to commit offenses, to get what one wants by direct action. It is no wonder then that we discuss the deterring effect of punishment as a mere theory, for we have had till recently no place to turn to observe its practical working.

But let it be said that among normal

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4. See Journal of the American Judicature Society. Vol. 5, No. 4, p. 105.

people, constituting the great majority, there is a positive moral instinct, a desire to conform to society's standards. Avoiding crime is seen by them, not only to be the safer and more profitable course, but also to confer positive satisfaction. If this were not so we could not have state or society.

But there are a few persons wholly devoid of moral sentiment. If deterred at all it is because their intelligence is keen enough to calculate the consequences and to control their conduct. There is also a borderline class, of unknown numbers, and it is reasonable to hold that they will refrain from crime if its unprofitableness is sufficiently obvious, or will fail if the chances appear fair for escape from punishment. This deterrent influence probably accounts for a good share of the success of criminal justice in certain other countries as compared with our virtual failure.

The practical way to make use of the deterrent influence is set forth above under Title I.

### TITLE III

#### THE HABITUAL CRIMINAL

If no person ever committed more than one crime our situation would be infinitely

better, for usually the first offense is not a very serious one.

Only recently we were staggered by the unwelcome proof that all our carefully conceived methods for effecting reform failed in certain cases. A large part of all the more shocking crimes are committed by persons who have run the gauntlet of juvenile court, parental home, reform school, and house of correction.

Then came science to the study of the individual offender. There began a study of the mental and moral sides of the individual, an attempt to ascertain at an early stage what that person's chance for reform would be, instead of handling him on the cat and mouse principle, and learning finally, after a terrible crime had been committed that a short sentence was dangerous.

It was quickly revealed that there is among all criminals a considerable proportion who have stunted intelligence. This led at first to too hasty generalization. Some investigators jumped to the conclusion that the whole secret of crime lay exposed. Not so.

For studies among law-abiding folk proved that there are numerous grown persons of childish intelligence who do not transgress.

At the same time it was proved that

some of the worst offenders have only slight defect of intelligence, or none at all.

Then came the probing of the emotional side of the mind, which has as much or more to do with behavior than intelligence. It was revealed that certain persons are stunted in their emotional functions, in their feelings and instincts, which are independent of rational thought. They do not experience the emotions which in normal persons serve as guides to conduct.

These moral defectives have the same appetites and are subject to the same temptations as normal persons, but they have little or no capacity for love, for altruism, for gratitude, for sympathy—for all the feelings which together constitute character and conscience. They are literally twentieth century cave men.

Moral defectives of good intelligence become quacks and swindlers. With lower intelligence they become pickpockets, petty thieves, and wife deserters. Still lower, with a fair measure of courage, they are burglars, or hold-up men. Those with both low emotional reactions and markedly low intelligence are the crass and brutal murderers.

The discoveries of the psychiatrists in recent years constitute the greatest con-

tribution ever made to the science of penology, and, from the standpoint of human safety and happiness, probably the greatest of all scientific achievements. We can now explain the nature of the delinquent who persists in lying and stealing in spite of every inducement to reform. We can account for the monster who coolly plans a murder to further his own interests.

A study of the cases of hold-up men in Chicago show that all have records of conflicts with authority extending back to childhood.<sup>5</sup> Most of them have "done time" in some reformatory. Highway robbery leads directly to murder. Occasional short sentences—the cat and mouse system of penology—affords no protection to the public. So far we have had to wait until they killed before putting them permanently away. Meanwhile they have brought probation into disrepute and have proved incorrigible in the reformatories. They have committed sundry offenses between sentences.

The obvious treatment for them, if there is to be any real crime prevention, is to determine their type before they have

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5. See Twelfth Annual Report of the Municipal Court of Chicago. Pp. 29, 113, 188.

killed and keep them segregated in a specially created environment. And since they may have to remain for long terms we can well afford to make their living as easy and comfortable as is consistent with safety.

So there has grown up the demand for an industrial farm colony for the more or less permanent segregation of the incorrigibles, those found by laboratory tests to be markedly defective and proved by their behavior to be dangerous to society. The 1921 Illinois Legislature passed a bill to permit of such segregation, with only three dissenting votes, but the needed funds were not appropriated, and the measure was vetoed. It is inevitable that such farm colonies will be established before long in many states to round out our institutional program.

In a number of places psychiatrists are testing the minds of criminals and advising judges. The great problem is as to what kind of treatment the sentence should express. In an hour or two a competent expert can predict future conduct with greater assurance than could formerly be done after months of observation. The great present need is for the farm colony, because until it is established there is no suitable place for detaining these



unfortunates. They deserve sympathy, but not liberty. When this need is supplied we will be able to anticipate crime and actually prevent it.

In Chicago, where more than 10,000 offenders have been tested in a laboratory, it is a very common thing when a murderer is arrested to find that he was diagnosed as a dangerous defective a few months, or a few years, previously.

### WHAT DETROIT TEACHES

Until April, 1920, Detroit had the usual separate police judges for misdemeanors and the criminal court for the trial of persons charged with felony. As courts of limited jurisdiction, paying the judges lower salaries than other judges, it was naturally impossible to secure for them equal experience and ability. Politicians used these courts to punish their enemies and reward their friends. Weak, inferior courts are always the natural prey of petty politicians.

There had grown up around these courts also the bogus bond sharks and the shyster lawyers. A professional criminal convicted of pocket-picking or purse-lifting in the police court would appeal to the higher court. It would be months before his case would be tried, if ever, and meanwhile he could ply his trade. After a

sufficient lapse of time it was impossible to convict him.

On the other hand, a person charged with a felony would be given preliminary examination in the police court and then be bound over to the criminal court. The real rascals were always ready with bail. Again months elapsed and naturally convictions were rare. Or, frequently, bail would be forfeited, and found to be uncollectible. Crime flourished in Detroit. The police strove faithfully but their job was like trying to fill a bag with a big hole in the bottom.

#### **Create First Unified Criminal Court**

The reform was effected by unifying the two criminal courts into one court of complete criminal jurisdiction. One of the five judges worked for the new law; another good judge was elected in anticipation of the change; these two and two lawyers who were appointed, dominated the new court of seven, and immediately instituted an efficiency administration. A presiding judge was chosen with full power under the new act to control the classification of work and the assignment of judges. A psychopathic laboratory was established. Shysters were given warning and they immediately acted on that warning. A night session was begun to re-

duce the need for bail and the bond sharks were routed by simple business methods.

In the first five months fifty out of fifty-one persons charged with robbery (while armed with a deadly weapon) were convicted and sentenced to minimum terms of ten or fifteen years. The remaining one was given two years for carrying a concealed weapon.<sup>6</sup>

Crime steadily lessened, month by month, and Detroit began to breathe easier. In the winter of 1920-21 the police force was increased and with the intelligent co-operation of the new court, always right up to date with its docket, a marvelous reduction in crime was effected.

Punishment has been made swift and certain for the first time in any large city in this country. The slovenly routine work of the police court has ceased. There is time for intelligent consideration of every little case. In felony cases only a few days elapse before trial. Convictions are obtained whenever there is guilt. The rights of the innocent are protected as they never were under the old regime.

Figures compiled in August, 1921, by an independent investigator, showed that before the unification only six per cent of the felony cases were disposed of at the

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6. See Journal of the American Judicature Society, Vol. 4, No. 2; Vol. 4, No. 6.

end of six weeks, while in the new court at the end of six weeks ninety-six per cent of the felony cases were finally disposed of.<sup>7</sup>

No other American city has ever equaled this record for efficiency, and none can ever do so until it has established a unified court with an administrative head.

### Result of Promptness and Certainty

#### NUMBER OF CRIMES REPORTED TO THE DETROIT POLICE DEPARTMENT DURING THE FIRST SEVEN MONTHS OF THE LAST SIX YEARS.

Crime	January 1st to July 31st					
	1916	1917	1918	1919	1920	1921
Breaking and entering business places ....	620	845	605	615	776	252
Breaking and entering dwellings .	913	824	686	852	755	260
Larceny from person ....	632	548	372	450	364	245
Robbery ....	226	465	276	358	621	225

Under the new court in Detroit automobile thefts and accidents have already been reduced enough to save owners \$1,500,000 per year in insurance premiums.

This shows what any American city, groaning under the burden of crime, can do by a simple injection of business methods in the judiciary.

As Detroit cleaned up, the professional

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7. See Journal of the American Judicature Society, Vol. 5, No. 3.

crooks became more active in neighboring cities, leading to the notable Survey of the Administration of Criminal Justice in Cleveland. The result of this survey was a recommendation that Cleveland establish a unified criminal court.

Such a court will do the business if the people supply it with fairly good judges. It is not the highest ideal, for **ALL THE COURTS SHOULD BE UNIFIED AND GIVEN EFFICIENCY ORGANIZATION**, and it should be possible to assist the criminal department at times by special assignment, and relieve its judges occasionally by transferring them to less wearing service.

There has been no space in this discussion for a consideration of specific rules of criminal procedure. In most states there is room for improvement in rules, but the big thing needed is administrative reorganization. **NINETY PER CENT OF REFORM CAN BE ACCOMPLISHED BY SECURING ORDINARY BUSINESS ORGANIZATION IN THE COURTS.** From that will necessarily grow an expert study of criminology, based upon accurate data, and co-operation with the police, the prosecutors and the managers of correctional institutions.

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## OUR ANNUAL MEETING AT CHICAGO

The Program went through as scheduled. Every speaker except one was on hand. Gaged by the snap which marked the discussions and by the attendance, the program was a success. The advance registration of municipal officials was double that of last year, and the large proportion of them in the audience was very gratifying.

The City Club took care of us in an admirable manner. With the exception of one session and a dinner at the University of Chicago, we were in Mr. Dykstra's care all the time. Hon. Morton D. Hull was chairman of the Chicago reception committee which by financial assistance and careful attention to arrangements made the meeting possible.

President Judson and Professor Merriam extended the hospitality of the University. Under their auspices the American Civic Association joined with the League in two sessions on housing and zoning. One was a dinner session at the University Commons addressed by Mr. McFarland and Mr. John M. Gries, chief of the Division of Building and Housing, Department of Commerce.

From the standpoint of newspaper attention the Hatton-Hull debate on the application of the city manager principle to our big cities was a high spot. The session on new sources of municipal revenue, the address of Governor McKelvie of Nebraska on What Administrative Organization Means to a State, the address of Judge Olson on a Psychological Laboratory as an Adjunct to the Criminal Court and the debate on legislative apportionment were each worth the price of the trip.

At the business meeting the following resolution was adopted:

*Whereas*, The presence on the election ballot of names of candidates for presidential electors makes the ballot long and cumbersome and serves no useful purpose; and

*Whereas*, The States of Nebraska and Iowa have laws under which the names of presidential electors do not appear upon the ballot at all, but a vote for nominees for president and vice-president whose names do appear upon the official election ballot is counted for the appropriate set of presidential electors whose names are on file with the Secretary of State; therefore, be it

*Resolved*, that the National Municipal League, in annual convention assembled, approves the policy of these Nebraska and Iowa statutes and directs its officers to bring the matter to the attention of the legislatures of other states.

Following debate on our model state constitution, the judiciary article was adopted in principle with the recommendation to the committee that it be shortened. This practically completes the work on the model state constitution since, with the exception of several sections on public welfare, the entire document has been approved by the membership. Colonel Waite was re-elected president and Carl H. Pforzheimer, a New York business man, was elected treasurer to succeed Mr. Vanderlip, who has served so heartily for the past two years.

A valuable feature of the meeting was the opportunity to mix with the members of the City Managers Association and the American Civic Association, whose conventions overlapped ours, and who met in joint sessions with us.

57.000 26

# National Municipal Review

Vol. XI, No. 2

February, 1922

Total No. 68

71  
1922/

## Special Assessments

PUBLISHED MONTHLY BY THE

**NATIONAL MUNICIPAL LEAGUE**

RUMFORD BUILDING, CONCORD, N. H.

EDITORIAL OFFICE, 261 BROADWAY, NEW YORK, N. Y.

104870

# NATIONAL MUNICIPAL REVIEW

PUBLISHED MONTHLY BY THE

National Municipal League

HAROLD W. DODDS, *Editor*

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The NATIONAL MUNICIPAL REVIEW is sent to all members of the National Municipal League. Those who do not desire to become members of the League may subscribe to the REVIEW by paying five dollars a year in advance. Canada subscription rates \$5.25 in advance; foreign \$5.50. Checks should be made payable to the National Municipal League and mailed to 261 Broadway, New York, N. Y.

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HEADQUARTERS OFFICES AT 116 SOUTH MICHIGAN AVE., CHICAGO

# NATIONAL MUNICIPAL REVIEW

PUBLISHED MONTHLY BY THE  
National Municipal League

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NATIONAL CITY PLANNING CONFERENCE

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## LEAGUE ACTIVITIES

Dr. Dodds, our secretary, is in Nicaragua on a mission for our State Department for the purpose of assisting the Nicaraguan authorities to work out a modern election law. He had safely passed Havana on February 1. Mrs. Dodds is with him and the trip is expected to take four months.

Meanwhile our competent assistant secretary, Miss Howe, has charge of the office and Richard S. Childs edits the REVIEW for March and May.



From Kenosha, Wisconsin, came an order for 10,000 of our city-manager pamphlets, one of our largest sales of this best-seller and enough for every voter in that city. The fact that 2898 votes were subsequently cast against the plan indicates doubtless that that number failed to read them. The plan received 3,770 votes.



Our experimental local chapter—the New Jersey Chapter of the National Municipal League, with its own imposing letterhead and local address is in action again, putting forth admirable energy on behalf of an optional city-manager law.



## A LETTER FROM NEW ZEALAND

MUNICIPAL OFFICES

NEW PLYMOUTH, N. Z.,

December 9, 1921.

Some two and a half years ago you very kindly supplied me with very valuable information in regard to the City-Manager or Commission-Manager Plan of Municipal Government. The plan was adopted by my council some six months later, being the first Municipality in Australasia to do so. The system has been a success and has attracted a great deal of attention, and other Cities and Boroughs are considering the adoption of the scheme.

Three in New Zealand—Rangiora, Eastbourne and Palmerston North have already adopted it. Palmerston North extended the powers of its Town Clerk to include the powers of a City Manager but did not give him the latter designation. Launceston in Tasmania has also adopted the scheme and I am in hopes that many other cities will do the same. In the meantime I am continuously receiving applications for information in regard to the progress of the scheme and many of the applications include inquiries as to how the scheme is progressing in the United States. I should, therefore, be glad to be supplied with copies of any material you may have available bearing upon the question.

Yours faithfully,

F. T. BELLINGER,  
*General Manager.*



# National Municipal Review

Vol. XI, No. 4

April, 1922

Total No. 70

## Pensions in Public Employment

### Report of the Committee on Pensions

Prepared by Paul Studensky

New Jersey Bureau of State Research

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## NATIONAL MUNICIPAL LEAGUE

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EDITORIAL OFFICE, 261 BROADWAY, NEW YORK, N. Y.

## FOREWORD

THE movement which involves the establishment of provisions for the retirement of aged and disabled employes and for the dependents of the diseased which is generally referred to as the pension movement, has assumed in the public service of this country very wide proportions. No statistics are available as to the number of employes covered by pension provisions and the total amount of obligations which have been assumed towards them. A fair estimate would place the number at more than eight hundred thousand and the total obligations on their account at a billion and a quarter dollars. The teachers covered by pension provisions alone exceed 300,000 and the obligations on their account half a billion dollars. The federal employes also number more than 300,000 and the obligations on their account are estimated at about \$440,000,000. To these must be added other state and municipal employes and the obligations involved in their cases.

A sound and orderly development of so huge a movement is imperative if disastrous burdens and heavy disappointments to both public and the employes are to be avoided. This thought seems to be slowly dawning upon legislators, administrators, farsighted employes and public-spirited citizens as shown by the fact that there has been a remarkable endeavor made by these men in various states and cities during recent years to place their particular local pension systems or projects on a sound foundation.

A number of state and municipal commissions, specially appointed for the purpose and provided with proper technical assistance, have made thorough studies of the existing pension laws, pointed out their defects, advanced certain principles to which all pension systems should conform to be sound, suggested the ways in which

the transition from the present unsound situation to a sound one could be effected and furthermore secured the enactment of some, if not all, of their curative recommendations.

These various investigations were limited in their scope to their particular state or city and to this extent had only a limited influence, and their valuable suggestions and achievements have never been collated and digested except in the field of teachers' pensions.

In order to fill this gap, the National Municipal League has created a special committee and has called upon the New Jersey Bureau of State Research for technical assistance. It was decided to bring together the accumulated results of these investigations, to set forth the defects of those pension systems which are apparently breaking down, to formulate the fundamental principles which should govern the pension laws of any state and to present all this in a compact report.

The report submitted herewith was prepared by the secretary of the committee, Dr. Paul Studensky, Director of the Bureau of State Research, in accordance with the general deliberations of the committee.

*Mr. De Roode dissents from approval of the contributory principle in his minority report which will appear in the May issue for lack of space here.*

### MEMBERS OF COMMITTEE

ARTHUR N. PIERSON, *Chairman*  
GEORGE B. BUCK, *Actuary*  
H. W. DODDS  
E. O. GRIFFENHAGEN  
DARWIN R. JAMES, JR.  
LAWSON PURDY  
WILLIAM GORHAM RICE  
ALBERT DE ROODE  
DON C. SOWERS  
CLINTON ROGERS WOODRUFF  
PAUL STUDENSKY, *Secretary*



# NATIONAL MUNICIPAL REVIEW

PUBLISHED MONTHLY BY THE  
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NATIONAL CITY PLANNING CONFERENCE

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VOL. XI, No. 5

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## LEAGUE ACTIVITIES

OUR June issue will be a monograph on "City Planning" by Thomas Adams, designed to be a comprehensive introduction to the whole subject for laymen and filling importantly a certain gap in our growing and much appreciated pamphlet series.



The head of one of the largest consulting municipal engineering firms in the country states,—“It is regular practice in my office now to quote 20 per cent lower for consulting service to city-manager towns than elsewhere, because of the superior ease with which business can be accomplished and payment obtained!”



### New city-manager cities:

Sapulpa, Oklahoma, Population 17,500  
Muskegon Heights, Michigan, Population 12,000  
Bozeman, Montana, Population 8,250  
Salem, Virginia, Population 5,000  
Plymouth, Michigan, Population 2,130



**City Manager Plan Loses in New Jersey.**—On March 9 the New Jersey Assembly voted down the optional city-manager bill prepared and ably supported by the New Jersey Chapter of the National Municipal League. A majority of the Assembly stood ready to approve it a few days before but an order from a certain county boss reversed five votes. The League of Women Voters played an important part in the fight and organized a number of public meetings in various parts of the state.



**Minneapolis.**—A strong citizens' committee has retained Dr. Hatton as charter draftsman for a period of about two months and a strenuous campaign is in progress looking toward another important adoption of our Model Charter. The committee has accepted proportional representation and city manager.

# National Municipal Review

Vol. XI, No. 6

June, 1922

Total No. 72

## Modern City Planning

### Its Meaning and Methods

By THOMAS ADAMS

*Town Planning Consultant to the Dominion of Canada  
Lecturer on Civic Design, Massachusetts Institute of Technology*

"This is the age of cities, and all the world is city-building. . . . In a dim sort of way many persons understand that the time has come when art and skill and foresight should control what so far has been left to chance to work out; that there should be a more orderly conception of civic action; that there is a real art of city-making, and that it behooves this generation to master and practise it." — *Macdonell*.

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## NATIONAL MUNICIPAL LEAGUE

RUMFORD BUILDING, CONCORD, N. H.

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This monograph completes an important group of National Municipal League pamphlets, as follows:  
 Modern City Planning, by Thomas Adams.  
 The Law of the City Plan, by Charles Backus Williams (Revised 1922).  
 Zoning, by Edward M. Bassett (Revised 1922).  
 The Law of Zoning, by Herbert S. Swan.

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NATIONAL CITY PLANNING CONFERENCE

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JULY, 1922

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## LEAGUE ACTIVITIES

During the last twelve months a count has been systematically kept of such of our office activities as could be reduced to figures.



About 600 inquiries received each month, of which about 500 require dictated answers.



Eight thousand "Short-Ballot" pamphlets, 5,000 "Administrative Consolidation" pamphlets, 60,000 "City-Manager" pamphlets, 1,000 "Model Charter" pamphlets, 150 "budgets" of city-manager literature, 1,000 copies of a 14-article series press release on the city-manager plan, 300 copies of "Ramshackle County Government," 4,300 "Zoning" pamphlets, hundreds of copies of the various other items in our pamphlet library were distributed, mostly by sale, in our last fiscal year.



All our writing, some of which like our April and June monograph issues reaches the proportions of small technical books, and a third of which never gets published for lack of space, is volunteer service, constituting probably the largest total of high-grade unpaid service known among civic organizations anywhere.



## CONDENSED ANNUAL FINANCIAL STATEMENT

### NATIONAL MUNICIPAL LEAGUE

<i>Receipts</i>		<i>Disbursements</i>	
Balance March 31, 1921.....	\$1,075.40	Printing REVIEW.....	\$5,322.08
Dues and subscriptions.....	12,747.71	Salaries.....	12,859.41
Contributions.....	8,812.50	Rent.....	1,100.14
Sales of Publications.....	3,185.71	Printing and stationery.....	3,072.60
Loan.....	2,500.00	Postage, Telephone.....	891.37
Charges for service.....	1,164.02	Travelling.....	680.24
Miscellaneous.....	1,211.00	Miscellaneous.....	2,108.80
		Balance March 31, 1922.....	4,661.70
	<hr/>		<hr/>
	\$30,696.34		\$30,696.34

### BALANCE SHEET AS OF MARCH 31, 1922

Cash on Hand.....	\$4,661.70	Notes Payable.....	\$2,769.80
Furniture and fixtures.....	627.00	Loan Payable.....	2,500.00
		Accounts Payable.....	2,573.76
		DEFICIT.....	2,554.86
	<hr/>		<hr/>
	\$5,288.70		\$5,288.70

MARWICK, MITCHELL & Co., Auditors.

# National Municipal Review

Vol. XI, No. 8

August, 1922

Total No. 74

## The Political Integration of Metropolitan Communities

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**NATIONAL MUNICIPAL LEAGUE**

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SEPTEMBER, 1922

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## THE LEAGUE'S BUSINESS

Our **Annual Meeting** will be held in Philadelphia, November 23 to 25. Our hosts will be the Philadelphia City Club and our headquarters will be the club house. Philadelphia is delightful in November, the City Club will make you comfortable with good food and easy chairs, and the prospects for a commanding program are brighter than at any time since the present secretary took office.

Moreover, the American Academy of Political and Social Science is breaking its tradition of a generation and is joining with us in two evening sessions. We promise you that our combined efforts will produce a program worth pawning your dress suit to hear and that the cards of admission will be at a premium.

In the morning sessions we want to give opportunity for any groups with special interests to hold round table discussions on their specialities, if any demand for this sort of thing develops. If you know any subjects which ought to be threshed out in this way, drop a line to the secretary.



**More New Editions.** The demand for our technical supplements keeps up in a manner most gratifying to our sales manager. During the summer we reprinted in revised editions the following pamphlets, which were first published as supplements to the *REVIEW*: *Zoning* by Edward M. Bassett; *The Law of the City Plan* by Frank B. Williams; and *Administrative Consolidation in State Governments* by A. E. Buck. These sell for 25 cents each, 15 dollars per hundred.



**To College Classes.** We shall reprint this month our *Model State Constitution* which is now a complete document. It was drafted by a committee of eminent political scientists. The man who really understands all its provisions whether he agrees with them or not, knows a vast amount about modern politics. Our suggestion is that teachers order them for class use. The idea did not originate with us. One University ordered 220 copies for this purpose last year and is planning to use an equal number this year. We pass the suggestion along free of charge. We make special quantity rates to classes.



**The "Review" a Bargain to College Students.** We offer again this year a special club rate of \$2.50 for a nine months subscription to the *NATIONAL MUNICIPAL REVIEW* to college students. The magazine is sent to the student's private address, but the subscriptions must come in clubs of at least ten. We made the same proposition last year and the number who took advantage of it convinced us that it served a good purpose. Subscription can begin in September or October as you see fit.

The *REVIEW* is now back on a definite basis of a full magazine each month with occasional supplements.



**The William H. Baldwin Prize for 1922** was unanimously awarded to William Boorstein of Harvard College for his essay on the subject of Municipal Employment Policies. The first prize carries with it the sum of one hundred dollars. Honorable mention in the order named was awarded to John Euriotto, Harvard College and Lenore F. McGrane, University of Cincinnati. The subject of the essays of the two latter was City-County Consolidation.

# NATIONAL MUNICIPAL REVIEW

PUBLISHED MONTHLY BY THE  
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SEVERING ALSO THE  
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## THE LEAGUE'S BUSINESS

Program of Philadelphia Meeting, November 23-25. This will be the twenty-eighth annual meeting. The League was founded in Philadelphia in 1894, and we plan to make this occasion an old Home Week. Here is the tentative program:

### THURSDAY, NOVEMBER 23

- 10.00 A.M. Registration.
- 12.30 P.M. The Administration of Criminal Justice in Cities.
- 6.30 P.M. Banquet Session, Business Meeting, Election of Officers.

### FRIDAY, NOVEMBER 24

- 9.30 A.M. The New Crisis in Public Utilities.
- 12.30 P.M. What's the Matter with Congress?
- 8.00 P.M. The Federal Budget System Examined.

(The members of the American Academy of Political and Social Science will be our guests at this session.)

### SATURDAY, NOVEMBER 25

- 9.30 A.M. New Standards of Civil Service Reform.
- 12.30 P.M. The Pennsylvania Citizens' Committee Investigates State Government.
- 5.00 P.M. What Shall Become of the Direct Primary?

(At this session we shall be the guests of the American Academy of Political and Social Science.)



Local Arrangements are being looked after by Mr. Robert E. Tracy of The Philadelphia City Club. He will be glad to answer inquiries.



Some Nice Words. Dr. Walter F. Dodd, in his *State Government*, published in September: "For current information regarding local government the NATIONAL MUNICIPAL REVIEW is indispensable."

Prof. Kirk H. Porter, in his *County and Township Government*, published the same month: "The attention of the student is further invited to the splendid articles appearing regularly in the NATIONAL MUNICIPAL REVIEW."



Ramshackle County Government. A new edition of our pamphlet by this name was published last month. It is a volume in our Pocket Civic Series and sells for 10 cents per copy or \$3.00 per hundred.

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## THE LEAGUE'S BUSINESS

**Our Twenty-Eighth Annual Meeting.**—As already announced, the place is Philadelphia and the date is **November 22 to 24**. Note that dates have been advanced one day on account of the Army-Navy football game, which monopolizes hotel accommodations on November 25. We go to press too early to announce a complete program. Full programs will be in the hands of our members before you read this.

General H. M. Lord, director of the Budget, will speak on "How the Federal Budget Operates." He will be followed by George W. Norris, governor of the Federal Reserve Bank of Philadelphia on "The Budget from a Business Man's Viewpoint."

Simcon D. Fess, Congressman from Ohio, will speak on "How Congress Transacts Its Business" at a session on "What's Wrong with Congress." Another session will be taken up by addresses by the special investigators engaged at present in surveying several of the great spending departments of Pennsylvania state government. They are working under the auspices of the citizens' committee appointed by Mr. Pinchot, the Republican candidate for governor.

✱

**Old Home Week for the League.**—Much water has flowed over the wheel since the League was organized twenty-eight years ago in Philadelphia, and we are going to devote the banquet session of our annual meeting to telling about it. The day and hour will be Thursday, November 23 at 6.30 P.M. It will be a meeting of two generations of League members, those who began municipal reform in the dark days of 1894 and who carried it forward with indefatigable effort, and those of us who are taking up the responsibility along lines charted by our elders.

Thus the whole meeting will be an Old Home week for the League, with the banquet session as a particular high spot.

✱

**Morton Denison Hull Prize for 1923.**—Through the generosity of the Hon. Morton D. Hull of Chicago, the League has established an annual prize of two hundred fifty dollars to be awarded for the best essay on a subject connected with municipal government. The competition is open to post-graduate students who are or who have been, within a year preceding the date of the competition, registered and resident in any college or university of the United States offering distinct and independent instruction in municipal government.

For full details concerning conditions address the secretary of the League or Professor Edwin A. Cottrell, chairman of Prize Committee, Stanford University, California.

✱

**The William H. Baldwin Prize for 1923.**—The Baldwin prize of \$100 will be given for the best essay by a college undergraduate on some subject of municipal government. The subjects selected for the year 1923 are

1. City Managership as a Profession
2. The Non-Partisan Movement in American Cities
3. The Functions of Municipal Bureaus of Information, Complaint and Legal Aid

✱

**Administrative Reform in Tennessee.**—A. E. Buck is at present in Tennessee under the auspices of the League, where he is drafting a plan of administrative reorganization for that state.

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## TO THE MEMORY OF OLIVER McCLINTOCK

OLIVER McCLINTOCK, merchant, distinguished citizen and faithful friend of the people, passed away last October at his home in Pittsburgh in the eighty-third year of his usefulness. In his death, the National Municipal League loses a tried and true friend. Since 1898 he had been a member of our council and a vice-president since 1916. No good cause found him a laggard.

So far as we know, Mr. McClintock never sought political office and yet few have been so honored in opportunities for public service. A member and later the head of a mercantile firm of more than a hundred years standing, he served throughout the Civil War, became the first president of the reorganized Y. M. C. A. of Pittsburgh in 1866, became an elder in a Presbyterian church, a trustee and president of the board of a theological seminary, a trustee and president of the board of a college for women, a founder of a boy's academy; for twenty-four years he served as a director of the Pittsburgh Chamber of Commerce; he was a director of the Civic Club of Allegheny County and later its president, he helped organize the Citizen's Municipal League, and was an active leader in innumerable movements to better his city, state and nation. To say that every meritorious civic effort expected and received his support is praise reserved for few.

Failing strength the past three or four years decreased his physical participation in League affairs. It did not decrease his keen spirit of helpfulness nor his interest in its success.

He followed our work in minute detail and his kindly suggestions and equally kindly criticism will be sorely missed.



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The Recall in North Dakota

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*First.*—To multiply the numbers, harmonize the methods and combine the forces of those who are interested in good municipal, county and state government.

*Second.*—To promote the thorough investigation and discussion of the conditions and details of governmental administration, and of the methods for selecting and appointing officials, and of constitutions, laws and ordinances relating to such subjects.

*Third.*—To furnish data for public information and discussion, by the publication of the proceedings of the meetings, reports of committees, and other papers, books and periodicals bearing upon the subjects of government and administration.

*Fourth.*—The League shall have no connection with state or national parties or issues as such.

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